

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CATALIN M. NICOLESCU,  
Plaintiff,

vs.

MICHAEL R. MORRIS,  
Defendant.

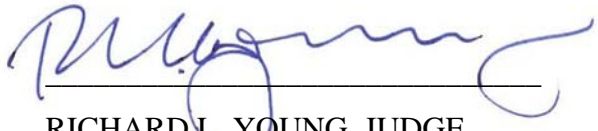
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1:06-cv-1538-RLY-TAB

**ORDER ON DEFENDANT'S MOTION TO DISMISS**

Defendant, Michael R. Morris, moves to dismiss Plaintiff's Complaint for failure to serve him with process in accordance with the Federal Rules of Civil Procedure. After reading Plaintiff's response, Defendant now states that he has no objection to the court ordering that proper service be had within 120 days from the time Plaintiff filed her Complaint (i.e., January 19, 2007) as required by FED.R.CIV.P. 4(m), or, in the alternative, to order Plaintiff to forward a waiver of service to Defendant in compliance with FED.R.CIV.P. 4(d). Accordingly, Defendant's motion is **DENIED**.

**SO ORDERED** this 20th day of December 2006.

  
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RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

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